

### **REMARKS**

This responds to the Office Action mailed on June 29, 2004. Claims 7, 8, 9 and 11 are amended and claims 26-41 are added; as a result, claims 7-11 and 26-41 are now pending in this application. Reconsideration of the claims is respectfully solicited.

#### **Claim Objections**

Claims 7 and 11 were objected to due to informalities. The Examiner objected to claim 7 because the word "rectangular" is not clearly disclosed or described in the specification and drawings. Applicant respectfully traverses this objection. The word "rectangular" appears in claim 7 as originally filed. Since the claims of a patent application are part of the specification, the word is found in the specification. In addition, Figures 1, 3a, 3b, 4 and 5 all show rectangular body shapes. For these reasons, Applicant respectfully requests removal of this objection.

The Examiner objected to claim 1, because the word "clamp" is not disclosed in the specification. Applicant respectfully traverses this objection. The word "clamp" appears in claim 11 as originally filed. Since the claims of a patent application are part of the specification, the word is found in the specification. Further, many types of mechanical attachments are mentioned in the specification as alternative embodiments and Figure 1 shows a top surface with an octagon shape. For these reasons, Applicant respectfully requests removal of this objection.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form on June 22, 2004. Applicant respectfully requests that an initialed copy of the 1449 Form be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

#### **§112 Rejection of the Claims**

Claim 8 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 8 to clearly specify that the "forming" is "forming of the mass material".

§102 Rejection of the Claims

Claims 7 and 9 were rejected under 35 USC § 102(e) as being anticipated by Tosaya et al. (U.S. 6,483,169). Applicant does not admit that the Tosaya et al. patent is prior art to the present patent application and reserves the right to swear behind the Tosaya et al. patent at a later date. At this time, Applicant chooses to distinguish the Tosaya et al. patent. Applicant respectfully submits that this rejection under 35 U.S.C. § 102(e) is not valid since all the elements of claims 7 and 9 as amended are not found in the single reference to Tosaya et al.

Method claim 7 (and all other independent claims) has been amended to include the limitation of forming a heat spreader that includes at least three downset legs. Tosaya et al. describes heat spreaders formed from extrusion processes where the heat spreaders each have two support sidewalls or flanges. Applicant respectfully submits that the limitation of forming at least three legs is not found in the Tosaya et al. patent, and so the rejection of claims 7 and 9 under 35 U.S.C. § 102(e) as being anticipated by Tosaya et al. fails. Applicant respectfully requests reconsideration of the rejection of claims 7 and 9, and allowance of these claims.

§103 Rejection of the Claims

Claims 10 was also rejected under 35 U.S.C § 102(e) as being anticipated by Tosaya et al. in view of Domadia et al. (U.S. 5,949,137). Claim 11 was also rejected under 35 USC § 102(e) as being anticipated by Tosaya et al. in view of Tarter et al. (U.S. 6,512,675). Since two references were combined to make this rejection, Applicant assumes that these rejections were intended to be under 35 U.S.C § 103(a).

Applicant does not admit that the Tosaya et al. or Tarter et al. patents are prior art to the present patent application and reserves the right to swear behind the Tosaya et al. and Tarter et al. patents at a later date. At this time, Applicant chooses to distinguish the Tosaya et al. and Tarter et al. patents. Applicant respectfully submits that these rejections under 35 U.S.C. § 103(a) is not valid since all the elements of claims 10 and 11 as amended are not found in the combinations of references. As shown above, the Tosaya et al. patent does not show all of the elements of the claims and the combination of the Tosaya et al. patent with the Domadia et al. and Tarter et al. patents fail to fill in the missing elements.

The Tarter et al. patent describes a “package lid” which is essentially a folded heat spreader device with two support sides. The Domadia et al. patent does not describe or suggest such a heat spreader device, but rather discloses a stiffening plate which must be substantially planer in order to function. None of these cited patents disclose a heat spreader comprising “at least three downset legs formed thereon” as required in the independent claims. Since the combination of the Tosaya et al. patent with the Domadia et al. and Tarter et al. patents fails to describe all of the elements of the claims 10 and 11, the rejection under 35 U.S.C. § 103(a) is not valid. Applicant respectfully requests reconsideration of the rejection of claims 10 and 11, and allowance of these claims.

#### New Claims

Newly added claims 26-41 also contain limitations which are not found in the Tosaya et al., Domadia et al. and Tarter et al. patents, taken alone or in combination. Claims 26-41 are also drafted to be within the non-elected invention as described in the Restriction Requirement in the parent patent, which is the elected invention of this Divisional Patent Application. Applicant believes these new claims are allowable and respectfully requests consideration of these claims and allowance of all pending claims.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/807,220

Filing Date: March 22, 2004

Title: HEAT SPREADER WITH DOWN SET LEG ATTACHMENT FEATURE

Assignee: Intel Corporation

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Dkt: 884.C30US2 (INTEL)

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6904) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date Sep. 29, 2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of September, 2004.

KACIA LEE

Name

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Signature